

# Civil Service Commission

The San Luis Obispo County Civil Service Commission  
Regular Session Meeting  
Wednesday December 21, 2011 @ 9:00 A.M.  
1055 Monterey Street, Suite D-271, San Luis Obispo, CA



MEMBERS OF THE COMMISSION  
Jeannie Nix, President  
Jay Salter, Vice President  
William Tappan  
Robert Bergman  
Arthur Chapman

## MINUTES

Present: President Jeannie Nix, Vice President Bill Tappan, Commissioner Art Chapman, Commissioner Robert Bergman, Commissioner Jay Salter

Staff: Commission Secretary Tami Douglas-Schatz; Commission Clerk Robin Mason

Counsel: Rita Neal, Commission Counsel

### 1. Call to Order/ Flag Salute/ Roll Call

President Nix called the meeting to order at 9:02 A.M. and led the flag salute.

### 2. Public Comment Period

Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual.

Kimm Daniels, General Manager of SLOCEA addressed the Commission. She thanked each of them for their integrity and efforts and wished them all the best in 2012. President Nix thanked Ms. Daniels for her efforts as well.

Being no further requests to speak, President Nix closed the public comment period.

### 3. Approval of Minutes

The September 28, 2011 Regular Meeting Minutes were reviewed by the Commission. Commissioner Tappan moved to approve the September 28, 2011 Minutes as submitted; Bob Bergman seconded; the motion carried 5-0-0.

The October 19, 2011 Special Session Minutes were reviewed. President Nix referred to page 3-B(1), item 3 of the packet and suggested the phrase "the closed session" be changed to "this closed session."

Rita Neal requested that the record show she was also present as Commission Counsel during the October 19, 2011 Special Session Meeting. Commissioner Bergman moved to approve the October 19, 2011 minutes as corrected; Commissioner Chapman seconded; the motion carried 5-0-0.

The October 20, 2011 Special Session Minutes were reviewed by the Commission. Commissioner Chapman moved to approve the October 20, 2011 Minutes as submitted; Commissioner Tappan seconded; motion carried 5-0-0.

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The October 26, 2011 Regular Meeting Minutes were reviewed. At Commissioner Bergman's request, Ms. Douglas-Schatz confirmed that the actual recordings of Commission Meetings are available online. Commissioner Chapman moved to approve the October 26, 2011 Minutes as submitted; Commissioner Bergman seconded; motion carried 5-0-0.

After review, President Nix stated she would entertain a motion to approve the following group of Special Session Minutes: October 27, November 1, November 8, and November 9, 2011. Commissioner Tappan moved to approve the group of Minutes as submitted; Commissioner Bergman seconded; motion carried 5-0-0.

## **4. Reports**

### **Commission President**

President Nix addressed the group regarding Michael Conger's comments at the December 12, 2011 meeting as well a memo (Attachment 1\*) he provided the morning of the current December 21, 2011 meeting. Ms. Nix described that in his memo he commented on the Civil Service Commission Fiscal Year 2010-2011 Annual Report. Tami Douglas-Schatz explained that Mr. Conger was concerned that we are not hearing appeals in a 20-day timeline as described by the Civil Service enabling legislation. Ms. Douglas-Schatz stated further that Civil Service Rule 4.05(a), which was recently updated, addresses the issue of noticing hearings.

The commission discussed the 20 day period. Rita Neal stated that she would research the concerns addressed and will report back at the next meeting.

President Nix opened the discussion for public comment on the topic of appeals being heard within 20 days. Kimm Daniels, General Manager of SLOCEA, addressed the Commission and stated that 20 days is an inadequate amount of time to prepare for a hearing.

Commissioner Salter confirmed with Ms. Daniels that Mr. Conger is a member of the SLOCEA bargaining unit but that he has not raised the issue with SLOCEA.

President Nix requested that the HR Director and Commission Counsel draft a letter in response to Mr. Conger for the Commission to review at the next regular meeting.

### **Commission Subcommittees**

President Nix reported on the two CSC Working Group meetings that she and Commissioner Tappan attended and expressed her concerns that the meetings may be a possible breach of the Brown Act. They discussed a letter they had written to two members of the Board of Supervisors on November 14, 2011 that outlined their concerns regarding the status of the ad hoc committee.

President Nix explained that she and Commissioner Tappan had received a written response from the Board of Supervisors, but did not feel it was appropriate to share it with the Commission at this time to maintain its confidentiality. Ms. Neal advised the Commission that any document can be made public as long as confidential information is redacted. Commissioner Tappan expressed his concern about not adhering to the recommendations made by the CSC Working Group regarding confidentiality.

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Commissioner Bergman asked Ms. Neal if the ad hoc committee was in violation of the Brown Act; Ms. Neal responded that the CSC Working Group was not a violation of the Brown Act.

President Nix distributed the letter (Attachment 2\*) they had written to two members of the Board of Supervisors on November 14, 2011 that outlined their concerns regarding the status of the ad hoc committee. She also distributed a Summary of Caution (Attachment 3\*) that was provided by an undisclosed outside attorney; Ms. Neal offered to confer with the outside attorney.

Commissioner Bergman stated that he felt the Board of Supervisors' Response Letter should be provided.

President Nix opened the discussion for Public Comment. Kimm Daniels, SLOCEA General Manager addressed the Commission and referred to the August 3, 2011 meeting where the CSC Working Group was established and explained her concerns regarding to the status of the committee.

Being no further requests to speak, President Nix closed public comment period and brought it back to the Commission.

Commissioner Salter addressed the group and referred the August 24, 2011 meeting minutes, page 2, where it described the special purpose of the CSC Working Group as being in line with the desires of the Board of Supervisors. Commissioner Tappan and President Nix expressed their dissatisfaction with the Working Group and had requested that the Working Group be disbanded.

Rita Neal stated that the purpose of the Working Group was to strive for continuous improvement and expressed the desire to keep building on what progress was made.

After further discussion, the Commission decided to have President Nix and Vice President Tappan return to the Working Group so that the issues that were originally brought up could be discussed and resolved forthwith.

## **Commission Counsel**

None.

## **Commission Secretary**

### Commission Calendar

Tami Douglas-Schatz distributed to the 2012 Commission Calendar for 2012 (Attachment 4\*).

The Commission set February 6<sup>th</sup> and 8<sup>th</sup> to hear Appeal A10-011.

### RFP Update

Ms. Douglas-Schatz provided an update on the RFP Process for outside counsel for hearings and stated the final date to accept proposals was December 23, 2011. President Nix and Commissioner Bergman agreed to serve on the RFP panel.

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## CSC Draft Annual Report

Ms. Douglas-Schatz introduced Mark McKibben, Personnel Analyst. Mr. McKibben presented the fiscal year 2010-2011 CSC Annual Report (Attachment 5\*).

Commissioner Chapman made brief, editorial suggestions. The Commission expressed their appreciation for the report. Mr. McKibben stated that the annual report would be submitted to the Board of Supervisors as a consent agenda item.

President Nix entertained a motion to approve the CSC 2010-2011 Annual Report as amended. Commissioner Bergman moved to approve; Commissioner Salter seconded the motion; the motion carried 5-0-0.

The Commission adjourned for a break at 10:51 A.M.

The Commission reconvened into Open Session at 11:09 A.M. President Nix moved to item 5 on the agenda.

**5. Brown Act Training**

Rita Neal, Commission Counsel held a training session regarding the Brown Act (Attachment 6\*).

**6. Adjournment**

Being no further business, the meeting was adjourned by President Nix at 11:57 A.M.

*\* Note: These minutes reflect official action of the Civil Service Commission. A digital record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.*